

Eastham Conservation Commission

555 Old Orchard Road
Eastham, MA 02642



508-240-5971
Fax 508-240-6687

**Eastham Conservation Commission
2500 State Highway
Earle Mountain Room
March 8, 2016
Public Hearing
MINUTES**

Commissioners Present: Chairman Michael Harnett, James Baughman, Alexander Cestaro and Shelia Filipowski.

Commissioners Not Present: Steven Kleinberg and Steven LaBranche.

Staff Present: Shana Brogan.

Also Present: Dana Gould, Joanna Buffington, Tony Vicinanza, Laura Schofield of Schofield Brothers, Jason Ellis of JC Ellis Design, Mark White and Ryan Trahan of Environmental Partners Group.

6:00 PM

Chairman Harnett opened the hearing.

Notice of Intent filed by Anthony Vicinanza. Applicant proposes construction of a 375 sq. ft. boat house, construction of a 40' by 16' (280 sq. ft.) dock in a Great Pond, construction of an observation deck, removal of invasive vegetation and planting of native vegetation at property located at 625 Kingsbury Beach Road, Map 11, Parcel 220.

Laura Schofield was present to speak the project. She noted the house existed on the property for many years and is connected to many wetland resources. The wetland resources are connected to Great Pond. Ms. Schofield noted the proposed seasonal dock would be aluminum with aluminum poles. She noted no clearing of vegetation would occur for the dock. Ms. Schofield noted the dock comes in sections and requires a Chapter 91 license. Ms. Schofield noted the Notice of Intent was sent to the Division of Marine Fisheries (DMF) and Natural Heritage Endangered Species Program (NHESP) for review. There is already an existing path to the dock. Ms. Schofield noted the plan includes a proposed boathouse on a full foundation that includes a walkout area for storage. The applicant would appear in front of the Board of Health in May. Ms. Schofield noted a trench would need to be excavate for the installation of the boathouse.

The proposed plan includes an observation deck and a memorial garden. The locust trees that were removed and saved with a berm of grass around them. The vegetation would be allowed to grow around the trees. The applicant does not propose to remove a lot of trees, just remove vines.

Chairman Harnett noted the delineation of the wetland. Ms. Schofield noted she could come up with a minimum plant number. Thomas Durkin asked what the boathouse would be used for if allowed. Ms. Schofield noted the boathouse cannot be habitable space and they are building it for storage. It would hold boards and kayaks. Chairman Harnett said they should take the boathouse out of the buffer zone.

Ms. Schofield noted they are providing additional mitigation based on the size of structure. Chairman Harnett noted most of the plants are flowers and that the bank is bare and eroding. Shelia Filipowski noted concern with the length of the dock. Ms. Filipowski asked why the boathouse could not be placed outside of the one-hundred foot buffer zone. Ms. Schofield noted there would be a temporary disturbance and it would be replanted with native species. The property owners would like the area to go back to being natural. Chairman Harnett noted that the one to one mitigation was vague and would like to know more details about what exist there now and a minimum number of plants for mitigation.

Joanna Buffington an abutter to the property was present to speak. She noted the one-hundred foot buffer zone is critical for the peepers. She feels the buffer zone has already been destroy and nothing should be done in the buffer zone. Ms. Buffington feels the work would be a threat to wildlife habit. She noted the plan includes a fine observation deck. She noted the plan was nice, but it is not the right plan for this area. She also noted removing the invasives would do more harm than good. Chairman Harnett said the catbrier is important. Ms. Buffington noted part of the deck is located in the buffer zone.

Thomas Durkin asked about the second pathway. He noted the existing pathway was eight feet wide and did not see a need of a second pathway. Chairman Harnett noted the commission could not vote on the project and the applicant would need to provide more details. He ask that the details include the profile and shading and water depth. Steven Labranche asked about the limit of work. Ms. Filipowski noted there was an eight foot difference between the highest and lowest land. Chairman Harnett noted the applicant needs to reduce the size of the project.

Sheila Filipowski **MOVED** to continue to April 14, 2016, Thomas Durkin **SECONDED**.
ALL IN FAVOR.

Notice of Intent filed by the Town of Eastham. Applicant proposes installation of a public water system consisting of 40,600 linear feet of water mains including hydrants, valves and service connections, known as Contract 8, at property located at Herring Brook Road, Bridge Road, Kingsbury Beach Road, Samoset Road, Hay Road and Governor Prence Road, Maps 10, 11,13, 14, 15, 17, 18, 19 and 20.

Ryan Trahan and Mark White presented the project. They noted the work would be within the town's right- of- way. A filter sock would be installed prior to any work. After the work is completed low nitrogen loam and New England conservation seed mix would be used to restore the disturbed areas. Mr. Trahan reviewed the material list which included a twelve inch filter sock filled with mulch.

Mr. Trahan noted the complications with Bridge Road, which include wooden guardrails and riprap. He noted the bridge is cluttered with utilities and noted they looked at alternatives for the bridge crossing and looked into directional drilling. Mr. Trahan noted they would remove some riprap during construction, but it would be put back in place. He noted the wooden guardrail would be replaced with steel posts. The guardrail replacement would be to Massachusetts Department of Transportation specifications. Mr. White noted they would not cause any disturbances to the herring run.

Mr. White noted there is a procedure for water line hook-ups. The details of this would be very specific and involve submitting a plan to the town. More information about the hook-up process

would be available in the coming months. Mr. White requested a blanket Order of Conditions for Phase Two of the water project.

Thomas Durkin **MOVED** to approve Contract 8 for the water system, Sheila Filipowski **SECONDED**.

ALL IN FAVOR.

Notice of Intent filed by Dana Gould. Applicant proposes placement of sand at property located at 60 Cove Road, Map 18, Parcel 050A.

Dana Gould was present to speak to the project. Chairman Harnett noted the regulations have changed over a period of time and today they do not allow putting sand into a salt marsh area. Chairman Harnett asked the applicant if they have considered letting the marsh grow. Chairman Harnett said it would take a while for something to grow in that area. Mr. Gould noted there was no vegetation there for fifty eight years. Chairman Harnett noted there was some concrete work on the boat ramp and they need to come before the commission in the future for any work on the property.

Sheila Filipowski **MOVED** to continue to March 22, 2016, Thomas Durkin **SECONDED**.

ALL IN FAVOR.

Removal of three oak trees at property located at 15 Blue Bill Lane, Map 17, Parcel 520.

John Sherff was present to speak to the project and proposed to prune various vegetation and remove three oak trees. He noted the mitigation of the trees would include arrowwood trees. The commission discussed reducing the crown height of the trees. Mr. Sherff noted all work would be in the dormant season to protect the trees and wildlife in the area. Chairman Harnett noted they would be ok with taking out branches instead of topping the tree. Mr. Sherff noted Bartlett Tree Service would perform all work.

Chairman Harnett said the commission decides where the view corridor is located. Shana Brogan noted it would be helpful if the trees were flagged and allow commission to do a second site visit.

Shelia Filipowski **MOVED** to continue to March 22, 2016, Thomas Durkin **SECONDED**.

ALL IN FAVOR.

Continuation of Notice of Intent filed by Patricia Voke. Applicant proposes installation of a 112 linear feet of rock revetment to protect a post-1978 building and reconstruction of a stairway section at property located at 235 Shurtleff Road, Map 07, Parcel 093.

Sheila Filipowski **MOVED** to continue to July 12, 2016, Thomas Durkin **SECONDED**.

ALL IN FAVOR.

Continuation of Notice of Intent filed by Kim Salva. Applicant proposes installation of a septic system and removal of invasive vegetation and planting native vegetation at property located at 20 Beach Road, Map 19, Parcel 028A.

Sheila Filipowski **MOVED** to approve the installation of septic system, Thomas Durkin **SECONDED**.

ALL IN FAVOR.

Continuation of Request for Determination of Applicability filed by Martin Ridge for the removal of eight diseased trees and the planting of two Tupelo trees within the resource area located at 150 Crosby Village Road, Map 01, Parcel 078.

Thomas Durkin **MOVED** to approve the removal of only three trees, Steven Labranche **SECONDED**.

ALL IN FAVOR.

Request for Determination of Applicability filed by Diane Lim and Herve Husson. Applicant proposes to extend existing deck, enlarge walkway and add new railing. One

sono-tube required for the deck installation located at 15 Piper Lane, Map 12, Parcel 265 and Map 12, Parcel 266.

Shelia Filipowski **MOVED** to continue to March 22, 2016, Thomas Durkin, **SECONDED**.
ALL IN FAVOR.

Administrative Reviews

Proposed removal of one dead tree and fallen limbs in front yard at property located at 70 Bridge Road, Map 20, Parcel 015A.

Sheila Filipowski **MOVED** to approve, Thomas Durkin **SECONDED**.
ALL IN FAVOR.

Proposed removal of shrubs and trees in front of house and abutting walkway and replacement vegetation and repair small retaining wall at property located at 300 Silver Springs Beach Road located at Map 4, Parcel 480.

Sheila Filipowski **MOVED** to approve, Mike Harnett **SECONDED**.
ALL IN FAVOR.

Proposed removal of one fallen tree and a brush pile at property located at 470 Herring Brook Road, Map 14, Parcel 007.

Steven LaBranche **MOVED** to approve, Shelia Filipowski **SECONDED**.
ALL IN FAVOR.

Other Discussion

DEP SE 19-1566, Installation of gabion boxes, plantings and buffer strip at property located at 92 Old State Highway, Map 20, Parcel 116C.

John DiBari and David Lyttle were present to speak to the commission. They acknowledged they have not followed up on it in a matter that was satisfactory. They noted plantings were never installed and are needed to protect the top of the bank. Mr. DiBari does understand he needs to move forward with the plantings and needs properly staked straw blankets installed. The commission set a May 15, 2016 deadline to re-install the plantings.

Policy regarding individual permitting for water service connections to town water mains.

Shana Brogan noted the policy is ready for approval and would be put online for the public. The commission would like to review the policy before voting on it.

Preliminary discussion regarding process and content of new potential regulations under the Eastham Wetlands Bylaw.

No discussion.

Commonwealth of MA Executive Order 562, discussion and correspondence.

Steven LaBranche **MOVED** to approve, Thomas Durkin **SECONDED**.
ALL IN FAVOR.

Liaison Reports (1651 Forest Advisory Committee, Community Preservation Committee, Open Space Committee)

No reports.


Adjournment

Steven LaBranche **MOVED** to adjourn, Thomas Durkin **SECONDED**.
ALL IN FAVOR.

Respectfully Submitted as prepared by,

A handwritten signature in cursive script that reads "Teena Tilton".

Teena Tilton

A handwritten signature in cursive script, appearing to read "Michael Harnett".

Michael Harnett, Chairman
Conservation Commission